

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of the present Amendment, Claims 1-2, 10-19, and 23-27 will be all the claims currently pending for the Examiner's consideration. Of the pending claims, Claims 1, 2, and 10-19 are withdrawn from consideration.

The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Per Applicant's previous response, Independent Claims 23, 25 and 27 were added and the remaining claims amended to be dependent from these. As was explained, Claim 23 relates to thiacloprid and preferred quaternary ammonium compounds; Claim 25 relates to thiacloprid and the preferred boron compounds, boric esters and borax; and Claim 27 relates to a synergistic combination of thiacloprid and boric acid. As also pointed out, per the previously submitted Declaration, the combination of thiacloprid and quaternary ammonium compounds or preferred boric compounds results in unexpected synergy; therefore, the combination of Erdelen and Fritschi does not render the claimed synergistic combination obvious.

Unfortunately, the Examiner found, "The presented unexpected results are not commensurate in scope with the instant claims," and therefore they were not allowed. (Office Action, Page 8)

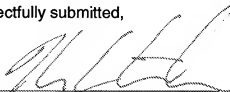
Instantly, the independent claims have been amended to now recite the synergistic ratio employed. As such, Applicants respectfully submit the claims are now commensurate in scope the arguments previously made over the cited art and, therefore, these claims should now be allowed to issue.

In summary, it is respectfully submitted that independent Claims 23, 25, and 27 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent claims, it is respectfully submitted that Claims 24 and 26 are also presently allowable. (The remaining dependent claims being rejoinable and allowable as well.)

Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

The USPTO is hereby authorized to charge any fees which may be required by this paper and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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